

Appl. No. 10/091,610
Amendment dated Mar. 4, 2005
Reply to Office Action of Nov. 4, 2004
Docket No. 7001-11

REMARKS

Claims 9-10 and 19-22 are pending in the present application. By this amendment, Claims 8 and 18 have been canceled; Claims 9 and 19 have been amended; and Claims 21-22 have been added. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. It is respectfully submitted that no new matter has been added.

I. FORMAL MATTERS

Examiner Interview

Applicants wish to thank Examiner Merek for the courtesies extended to Applicants' representative during a personal interview with Examiner Merek on February 24, 2005. During the interview, Applicants' representative discussed Applicants' claimed invention and the prior art of record.

Specifically, in regards to Claims 8 and 18, it was respectfully submitted that the prior art of record did not teach an interchangeable fitment system and method of using an interchangeable fitment system. It was respectfully submitted that Lazard taught a container having two different sized opening that did not use the same interface. In regards to the drawings and other issues, proposed changes to the drawings were discussed as well as possible amendments relating to the 35 U.S.C. §112 rejections of the November 4, 2004 office action.

It is respectfully submitted that this Response provides the substance of the personal interview conducted February 24, 2005.

Objections to the Drawings

The drawings were objected to as allegedly not showing every feature of the invention specified in the claims. Specifically, the Examiner alleges that the feature an

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"interface detachably engaged to said container" must be shown. This objection is respectfully traversed.

It is respectfully submitted that Figures 4 and 5 show an interface as used and separate from the container. It is also respectfully submitted that one of ordinary skill in the art would understand a claim feature of an interface that may be detachably connected and, therefore, this element is not one that is required to be shown in the drawings.

In addition, the Office Action states that "first and second fitments, each fitment having an opening corresponding to the predetermined dimensions of the notch" are not shown in the drawings. Applicants respectfully disagree. Nevertheless, this objection is believed to be moot because Claim 8 has been canceled and this claim language is not present in new Claim 21. In addition, during the submission of formal drawings, Applicants propose to amend Figure 2 to provide a second opening shown in dash form to correspond to an opening having a different dimension than the first opening. As the Specification provides sufficient description to support different sized fitment openings, it is respectfully submitted that these proposed drawings changes will not incorporate new matter.

Accordingly, Applicants request withdrawal of these objections.

35 U.S.C. §112 First Paragraph Rejections

Claims 8-10 were rejected under 35 U.S.C. §112 first paragraph as allegedly failing to comply with the written description requirement. Applicants have canceled Claim 8. Accordingly, it is respectfully submitted that this rejection is moot. In regards to new Claim 21, based upon the helpful comments from Examiner Merek, it is believed that claim 21 complies with the written description requirement.

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II. PRIOR ART REJECTIONS

Claim Rejections Under 35 U.S.C. §102 (b)

Claims 8-10 stand rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 2,721,674 to Lazard (hereafter "Lazard"). This rejection is respectfully traversed. As Applicants have amended canceled Claim 8, it is respectfully submitted that this rejection is now moot. However, as new claim 21 has been added, Applicants will address the applicability of Lazard to new claim 21.

The Office Action states that Lazard teaches a container having two fitments with different size openings 28 and 30 and they are located in a removable interface 13. It is respectfully submitted that Lazard fails to teach or suggest that which is recited by Claim 21. Lazard does not teach two fitments having different sized openings, but having equal outer perimeters, wherein each fitment may be used with a single interface having a notch wherein the outer perimeters of the fitments have a size that corresponds to the predetermined dimensions of the notch. As such, it is respectfully submitted that Lazard fails to teach or suggest Applicants' claimed invention.

For at least the reasons given above, Applicants respectfully submit that Claim 21 is allowable over the prior art of record. Furthermore, as Claim 9-10 recite additional claim features and depend from Claim 21, these claims are also allowable over the prior art of record.

III. CONCLUSION

For at least the reasons given above, Applicants submit that Claims 9-10 and 19-22 define patentable subject matter. Accordingly, Applicants respectfully request allowance of these claims.

The foregoing is submitted as a full and complete Response to the Office Action mailed November 4, 2004, and early and favorable consideration of the claims is requested.

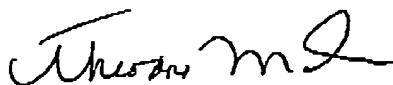
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Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicant's representative at the telephone number listed below.

A request for a one month extension of time is provided along with payment in the amount of \$120.00. No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0951.

Respectfully submitted,

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